

CLOWES DENIES CHARGE OF GRAFT

(Continued from First Page.)

had treated the matter as a gift and had said he was sorry he did it.

Mr. Clowes, after asking his counsel if he should answer, replied: "Yes, sir."

Secret Record.

Colonel Anderson then said: "We all know that Colonel Lawless is alluding to the secret record."

Senator Rison then asked: Q. "Did you ever pay for that coal?"

A. "Only fifty cents a ton."

Q. "Was Mr. Brooks manager of the coal company which had the contract here?"

A. "Yes."

Q. "Did he again get the contract?"

A. "Yes, the next year."

Colonel Lawless then asked Mr. Clowes if he had not denied all this in Richmond in February, 1906 (secret investigation), and had said that he had never purchased at reduced prices from bidders of the hospital.

Witness said he could not recollect all that was said in the Senate investigation.

Mr. Clowes stated that the purchase of the coal from Mr. Brooks took place after the contract was given to his company, and that the next time bids were up he voted against him.

The Proceedings.

The twenty-first day's session was called to order at 10 o'clock with all the members present.

The matter of holding a night session was discussed. Dr. Dunn said he was physically unable to attend three sessions a day. The committee is at present sitting seven hours a day.

Dr. Dunn said that Dr. McGuire and Dr. Bryan would testify as to the acts of Dr. McGuire Williams, a former assistant physician, who had been charged with cruelty to patients. Dr. Dunn said that Dr. Williams was from his county (Albemarle), and that in justice to the young physician, he would insist upon going thoroughly into the whole matter.

A grave charge had been made and he demanded a full investigation. Dr. Dunn said if these physicians were put upon the stand to-night, he must be present, and he was physically unable to examine the experts as he would like to.

It was determined that no night session would be held.

Mr. McGuire and Bryan will be called Tuesday, and Mr. M. G. Brooks, manager Chesapeake and Ohio Coal and Coke Company, who, it is alleged, is involved in the charges made against Mr. Clowes by Colonel Lawless, will appear on the stand Monday.

Mr. E. H. Clowes was called and continued his testimony. He said the beef furnished the hospital was of good quality. He said he considered it best to buy from local dealers so that a supply could be obtained at any time. He could not say if it would be better to slaughter at the hospital and install a large refrigerator.

Regarding the contract he made for the hospital with the Chesapeake and Ohio Coal and Coke Company for the supply of coal for the year ending May, 1904, M. O. Brooks was manager of this company.

The contract was renewed in May, 1904, for the year ending May, 1905.

Mr. Clowes said the bids were about the same from all coal companies.

The present contract is with the New River Sales Coal Company, which Mr. Clowes said supplied better coal than the Chesapeake and Ohio Coal and Coke Company. A test was made and the award was given.

Coal Gratuity.

WITNESS WAS ASKED BY CHAIRMAN SADLER IF HE HAD ACCEPTED A GRATUITY FROM M. O. BROOKS, MANAGER OF THE CHESAPEAKE AND OHIO COAL AND COKE COMPANY.

WITNESS SAID THAT M. O. BROOKS MET HIM ON THE STREET AND TOLD HIM THAT A CAR OF COAL HAD BEEN GIVEN HIM AND THAT A CHESAPEAKE AND OHIO OFFICIAL HAD FRANKED THE CAR INTO RICHMOND. HE (BROOKS) SAID THAT HE HAD SUPPLIED HIMSELF, AND THE CHESAPEAKE AND OHIO OFFICIAL, AND SAID HE HAD A FEW TONS LEFT, AND WOULD SELL TO HIM (CLOWES) VERY CHEAP.

"I ASKED HIM WHAT KIND OF COAL IT WAS. HE SAID GRATE COAL. I BOUGHT FOUR OR FIVE TONS FROM M. O. BROOKS. THAT IS THE WHOLE STORY."

In answer to questions put by Colonel Anderson, his counsel, witness said that he purchased the coal from Brooks only after he had learned that the Chesapeake and Ohio Coal and Coke Company did not own the coal. He said that the affair happened after the contract had been awarded.

In answer to a question from Colonel Anderson, his counsel, he said he did not save more than \$15 by the purchase.

Witness said that in the time the Chesapeake and Ohio Coal and Coke Company (Brooks's company) were awarded the contract, there had been no "delic clause" in any contract, in event of the market going down.

Witness said that the award went to the lowest bidder, or at least "as low" as any other bid, before the special board.

IN ANSWER TO THE CHAIRMAN, MR. CLOWES SAID THAT WHEN HE PURCHASED THE COAL FROM MR. BROOKS, HE DID NOT KNOW THE PRICE; THAT NOTHING WAS SAID REGARDING PRICE UNTIL SOME DAYS AFTER THE COAL WAS DELIVERED; THAT NOTHING WAS SAID REGARDING EMBLEMENT.

Co-operated with Foster.

He further said Dr. Foster was authorized by the board to secure the lowest prices on coal, and that Dr. Foster co-operated with him in securing the lowest price for coal.

Colonel Anderson-Sadler-Q. "Did you always and Dr. Foster active and energetic in the affairs of the hospital, and alive to matters for its welfare?"

A. "Yes, sir; as far as I can recollect. He was especially active about the coal."

Q. "Did you have differences?"

A. "It would be strange if we had."

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in the glint of the sun, the lap of the waves and the smell of the woods. If you're planning to get "close to nature," let's plan together.

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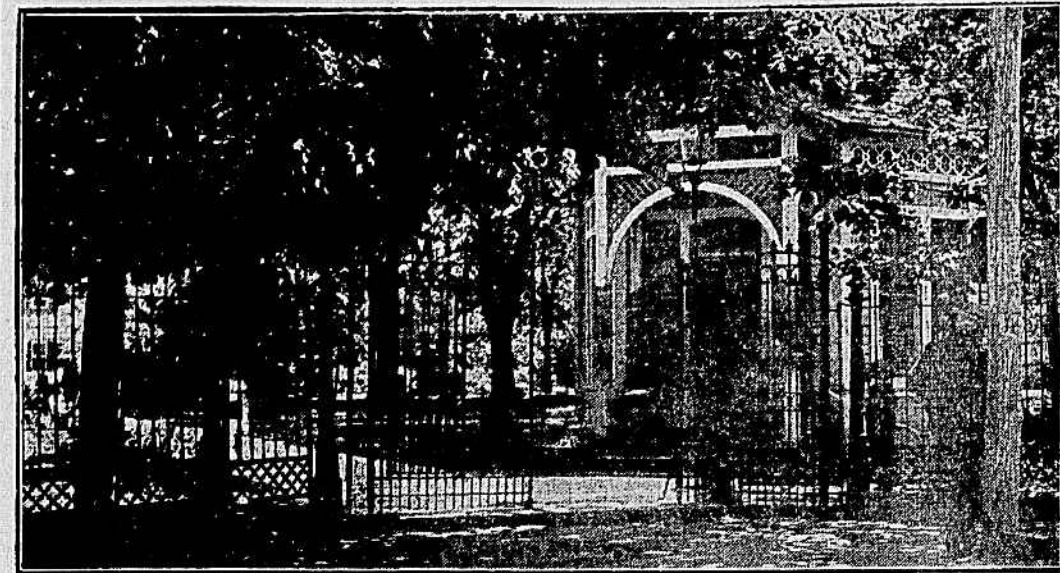
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MAIN ENTRANCE TO EASTERN STATE HOSPITAL.

not-all superintendents and directors disagree.

Q. "Were your personal relations pleasant?"

A. "Our relations were always cordial until my nomination was held up. I never came here without shaking his hand."

Q. "Did you not always consider him a good and efficient superintendent?"

A. "I did. I would not have advocated his election if I had not thought him good and efficient."

Witness said he harbored no resentment against Dr. Foster when he opposed his nomination in 1898. He said he thought the motive was the personal enmity between Dr. Foster and Mr. Texas Clowes, his uncle, who sued Dr. Foster on account of a personal difficulty.

Witness said he deplored the whole matter, and did his best to bring about a reconciliation. He had hoped that it was all over, for he received letters from Dr. Foster, addressing him as "Dear Clowes" and "Dear Mr. Clowes."

In answer to a question by Mr. Pulliam, witness said that he thought a trained nurse was necessary to the asylum, if the finances permitted it, and the nurse's duties were properly set out. He said, however, that it was more necessary to have a druggist who also served as typewriter.

Chairman Sadler reverted to the Brooks "coal incident."

Witness said he knew that Mr. Brooks desired to give you the coal, would you have accepted it?"

Witness said again that the coal belonged personally to Brooks, and not to the coal company. He distinguished between Brooks personally and Brooks, manager.

Chairman Sadler again asked the question.

Mr. Clowes declared that he saw no improperity in buying from Brooks at a nominal price. He said the "Chesapeake and Ohio official" did not pay Brooks a cent for the coal—Brooks had sold the witness this.

The chairman said that the Chesapeake and Ohio Railway Company was not under investigation.

Neighborly Act.

Witness said he regarded the act of Brooks as a neighborly act. Brooks lived in two squares distant and visited at his house.

Colonel Anderson-Q. "Did any bidder for coffee offer you coffee free?"

A. Witness said that L. C. Younger had furnished him samples to try coffee, but that he had insisted upon paying L. C. Younger for the samples, although Younger had said he made no charge for samples.

Witness said that Fleischman and Morris had offered him a Christmas present, but that he (Clowes) had declined.

Witness said, in answer to Mr. Ould, that the Younger coffee was later awarded the coffee, and that it was used for a long time.

Witness said as manager of the Columbia Typewriter he had endeavored to sell the bidders his typewriters. It was his legitimate business, he said, and the way he supported his family. He said both Younger and Brooks had declined to buy his typewriter.

At this point Colonel Anderson protested against the cross-examination of Clowes by Colonel Lawless, who he said was only here to protect Dr. Foster and the cause of his testimony. It was a cross-examination, he said, and he would not allow it.

Colonel Anderson said that Colonel Anderson had said on yesterday that he (Lawless) was actuated by private malice and that he desired to say that Colonel Anderson was mistaken in this. He was a lawyer retained by Dr. Foster and that was all.

Colonel Anderson replied that he accepted fully Colonel Lawless's statement and if he had made any remark

Graft Charged.

Senator Rison said that "graft" had been charged and that the committee should have full light on all "graft" transactions. If Colonel Lawless desired to cross-examine, he thought he should be allowed to bring out all light.

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Mr. Clowes testified that he knew Brooks socially. Mr. Clowes said he met Brooks on the street, and that he said that he could sell him (Clowes) cheaper than he could buy. He said he had gotten a car for his own use and could let him (Clowes) have part of it.

Witness said he could not remember if he learned then or later that the coal was given to Brooks.

He told Brooks that he would take four or five tons, and that the coal was sent to his house. That he saw Brooks and asked him for the bill. Brooks said the only price was fifty cents a ton for hauling.

Mr. Clowes said he did not imagine that Brooks was trying to bribe him.

Witness said he asked twice for the bill, but Brooks said there was no bill; that the coal was given him; that it was "franked" by a Chesapeake and Ohio official. Brooks said he got a car in every year, and he let his friends have a part of it.

Witness said he never did anything in exchange for the coal Brooks let him have.

Colonel Anderson here read the legal definition of bribery.

Mr. Clowes declared that there was no attempt to bribe, and that he had not been influenced by the "coal incident."

Witness said at the next award he voted against Brooks.

The award was made to Mr. Evans, who was asked to bid by the witness.

Offered Him Coffee.

WITNESS SAID THAT WHEN L. C. YOUNGER, A BIDDER FOR SUPPLIES, OFFERED HIM COFFEE, HE DID NOT ACCEPT, BUT THAT HE DID NOT CONSIDER BROOKS, MANAGER OF THE COAL COMPANY, AS A BIDDER, BUT ONLY AS A PRI-

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Colonel Anderson said that he desired the fullest investigation, and that, if there was anything else, he did not know it.

Colonel Lawless then cross-examined. Witness, who said he had never had a bill from Brooks; that Brooks had told him there was no charge except for hauling. This was in December, 1902. Witness said he had not asked for a bill for the coal since 1903.

Q. "Why did you say you paid him 50 cents a ton for that coal?"

A. "That is all I paid him."

Q. "That is not an answer. Why did you say you paid him 50 cents a ton?"

A. "That is all he asked me."

Q. "Did you pay him 50 cents a ton for hauling or for coal?"

A. "That was for the hauling. I have had no bill for the coal."

Witness said Brooks was no dealer, and he supposed he had no license.

Q. "Then if he sold you coal he broke the law?"

A. "I don't know. I suppose he had a right to sell the coal if he made no profit."

Q. "But he gave you the coal, and did not sell it?"

A. "If he had him all he asked me for it."

Colonel Lawless here requested the stenographer to turn back and read the exact words of the witness in his examination in chief as to his "purchase of coal from Brooks."

The record showed that witness had stated THAT HE PURCHASED COAL AT 50 CENTS A TON, AND DID NOT MENTION THE HAULING.

Witness said if he had known that there would be no charge he would not have accepted the coal.

Colonel Lawless read the rule of the hospitals against accepting a gratuity from any person dealing with the hospitals.

Q. "Then if this rule is in existence, you have violated the rule?"

A. "Yes."

Colonel Anderson interrupted—"If you accepted a gratuity."

Mr. Clowes—"Yes, if I accepted a gratuity, but I did not accept a gratuity, and you (turning to Colonel Lawless) don't believe so."

Chairman Sadler—"Colonel Lawless is not on the stand, Mr. Clowes."

Close Questioning.

Colonel Lawless then asked:

Q. "HAVE YOU NOT HEARD MR. M. O. BROOKS SAY IN YOUR PRESENCE IN FEBRUARY, 1906, THAT HE NEVER INTENDED CHARGING YOU ANYTHING FOR THE COAL, THAT HE MADE NO BILL AGAINST YOU; THAT HE NEVER EXPECTED YOU TO PAY FOR THE COAL, AND THAT HE CONSIDERED IT A GIFT, AND THAT HE WAS SORRY HE DID IT?"

Clowes—"Must I answer that?"

Colonel Anderson—"Yes."

Colonel Anderson—"WE ALL KNOW THAT COLONEL LAWLESS IS ALLUDING TO THE SECRET RECORD."

Colonel Lawless said that he had no further questions to ask, as Mr. Clowes had in no way so far said one word that affected his client, Dr. Foster.

In answer to questions put by Colonel Anderson, witness said he expected to pay Brooks for the coal. Witness said that he had heard Brooks say in February, 1906 (secret investigation), that he always got a car of coal every year; that he always got it franked by the railroad and that he always gave it to some of his friends.

Witness distinctly stated in precise terms that he bought the coal and that it was not a gift.

Senator Rison:

Ques. "Did you ever pay for the coal?"

Ans. "Only fifty cents a ton."

Ques. "Was Mr. Brooks manager of the coal company which had the contract here?"

Ans. "Yes."

Ques. "Did he again get the contract?"

Ans. "Yes, the next year."

Witness was asked if he had ever denied the statement he had just made and had said that he had never purchased at cost price goods from a bidder, or that he had accepted a gratuity from a bidder.

Ans. "I do not know; I cannot recollect all that I said in the Clowes investigation."

Mr. Clowes was asked why the "sudden clause" was added to the general rule. He said that he introduced the rule, and that it was adopted by every hospital in the State.

"The rule was adopted on account of the Bell suicide," added Mr. Clowes. He then in detail told of the Bell suicide, which was the result of a failure to instruct the physicians and attendants that the man had suicidal mania. Dr. Foster was absent by leave of the board when the suicide came to the hospital.

He committed suicide by cutting his throat with a knife, and the corner's jury placed the blame on the hospital authorities. Mr. Clowes said the board of directors passed a resolution exonerating the officers, and afterwards passed the rule that all attendants and physicians should be notified when patients had suicidal mania.

He said that when he was an attendant straight-jackets were but little used. The committee used them, and he said that "burning" was not indulged in, and that he thought the patients were not bathed in the same tubs of water.

He said that the system of baths in operation now was very fine, and that he had been very active in securing the improvements and in co-operating with the board.

The committee adjourned until 9 o'clock to-morrow morning.

A. P.

THE DISPENSARY AT EASTERN STATE HOSPITAL.

that was distasteful to Colonel Lawless he withdrew it.

Witness said that he did not consider that he had accepted a gratuity from Brooks.

Witness was turned over to Colonel Lawless.

Before the cross-examination began

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